

**IN THE UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

ANNETTE C. WHITE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO: 2:07cv1075-WKW
	)	
TROY NISSAN,	)	
	)	
Defendant.	)	

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**DEFENDANT’S AMENDED ANSWER, RAISING  
R.12, *FED.R.CIV.P.* AND OTHER DEFENSES**

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COMES NOW the Defendant, Troy Nissan, by and through John Martin Galese and Cassandra J. Harris, its attorneys, and amends its answer as follows:

- A. The Complaint and each Count thereof, to the extent they are not brought within the applicable statute of limitations or timely presented to the EEOC for investigation, are time barred.
  
- B. To the extent Plaintiff raises issues under Title VII which are not like or related to the charge of discrimination she filed with the Equal Employment Opportunity Commission, she cannot pursue such issues in this action.

- C. The Plaintiff's demands for injunctive relief, declaratory judgment and back pay are equitable in nature and are not properly triable to a jury.
- D. In connection with the Plaintiff's prayer for equitable relief, the Plaintiff comes into Court with unclean hands.
- E. The Defendant pleads estoppel and waiver.
- F. Plaintiff cannot sustain a claim for disparate treatment with regard to her race or sex because she cannot establish that she was treated differently than Caucasian and/or male employees for jobs that required substantially equal skill, effort and responsibility, that were performed under similar working conditions.
- G. The Defendant avers that the limitations of damages contained in 42 U.S.C.A. § 1981a(b)(3) are applicable and that the Plaintiff cannot obtain an award of compensatory and punitive damages of more than \$50,000 as the Defendant has less than 100 employees.

Respectfully Submitted,

/s/ John Martin Galese

/s/ Cassandra J. Harris

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John Martin Galese (ASB-5382-E61J)  
Cassandra J. Harris (ASB-2841-D52H)

Of Counsel:

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 31, 2008, I have electronically filed the above and foregoing pleading with the Clerk of Court, which sends electronic notice to all counsel of record.

/s/ Cassandra J. Harris